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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,852	03/01/1999	MITCHELL A. MARKOW	P98-2401	5769

7590 11/17/2005

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EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/259,852	MARKOW ET AL.	
	Examiner	Art Unit	
	Xu Mei	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-38 is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-16,18-23 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 2,11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is responsive to the applicant's response dated 06/13/2005.
2. Applicant's arguments filed 06/13/2005, with respect to the rejection(s) of claim(s) 1-44 have been fully considered and are deemed persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Constien (US-6,259,932).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
4. Claims 1, 3, 5, 8-10, 13, 14, 16, 18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Constien (US-6,259,932).

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Regarding claims 1 and 8, Constien discloses a computer system (see Figs 3-4), comprising: a chassis (housing/member 2) that encloses at least one microprocessor (personal computer, col. 6, lines 14-16), the chassis or member having a rear wall (rear panel of member 2) which faces away from a user during normal use; and an elector-acoustic transducer or driver (speaker 6) mounted in the chassis and wherein the speaker is mounted to the rear wall (see col. 3, lines 42-48 and col. 6, lines 13-14). The personal computer of member 2 would have inherently including a 'sound card' for processing input and output audio signals.

Regarding claim 10, the personal computer of 2 would have inherently including RAM for read/write functioning of the microprocessor.

Regarding claims 3 and 14, see speaker 6 of Fig. 4.

Regarding claims 5 and 13, the acoustic speaker 6 output signals would inherently including wall-effect for providing acoustic spatial impression when the computer system is being used inside a room has walls.

Regarding claim 9, the speaker of member 1 can be read on as an external speaker that is in connection with computer member 2 (col. 7, lines 41-44).

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Claims 16, 18 and 23 are similar to claims 1, 3 and 5 except for being couched in method terminology; such methods would be inherent when the structure is shown in the references.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constien as discussed in claim 1 above, in view of Koyama et al (US-5,581,621).

Regarding claims 20-21, the computer system of Constien does not specifically including an equalizer and gain staging for the computer system. Koyama discloses a programmable equalizer for automatically adjusting the frequency response and amplifier gain (i.e., gain staging) of an audio system by divides an audio signal into number of frequency bands and selectively amplifies and attenuates each frequency band to achieve a desired sound quality (see Fig. 2, element 21 and col.

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1, lines 31-44). It would have been obvious to one of ordinary skill in the art to further combines the teachings of Su and Sugimura and Koyama to includes an programmable equalizer for automatically adjusting the frequency response and amplifier gain by divides an audio signal into number of frequency bands and selectively amplifies and attenuates each frequency band to achieve a desired sound quality for the computer system.

7. Claims 7, 15 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constien as discussed in claim 1 above, in view of well known prior art.

Regarding claims 7, 15 and 39-43, the computer system of Constien does not specifically including a long throw speaker or driver has a throw length greater than 10 percent of its minimum cone diameter. However, long throw speaker or driver is old and well known in the audio art for providing high quality audio output for high frequency audio signals with specific defined throw length of the speaker or driver. It would have been obvious to one of ordinary skill in the art to utilizes an old and well known long throw speaker or driver for the computer system of Constien in order to providing high output for high frequency audio output signals.

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8. Claims 6, 12, 19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constien as discussed in claims 1, 10, 16 and 39 above, in view of well known prior art.

Regarding claims 6, 12, 19 and 44, Constien does not specific mentioned the speaker or driver has a specific 'quality factor' in the range of 0.65 to 0.8 as claimed. However, such claimed speaker or driver quality factor is notoriously well known in the art of speaker and circuit design for the purpose of obtaining desired quality sound/audio output. It would have been obvious to one of ordinary skill in the art to design and provide speaker having specific quality factor for the speaker or drive as shown by Constien in order to generate high quality audio output.

9. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constien as discussed in claims 1 and 16 above, in view of Burleson et al (US-6,522,763).

Regarding claims 4 and 22, Constien does not specific disclose the computer member 2 including the front all having perforations for additional acoustically leaky. However, it is old and well known in the art that computer housing including frontal perforations for acoustic output improvement. Burleson in Figure 1 discloses a personal computer housing including

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frontal perforations for acoustic output improvement. It would have been obvious to one of ordinary skill in the art to modify the PC member 2 of Constien by including frontal perforations as shown by Burleson, in order to provide improved acoustic output for the computer system.

10. Claims 2, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 24-38 are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Xu Mei
Primary Examiner
Art Unit 2644
11/12/2005